

**Special Education Advisory Council
Cornhusker Hotel
November 13, 2008**

SEAC MEMBERS PRESENT: Busse, Clark, Ewing, Grossnicklaus, Kanter, Kimes, Kimmons, Kloke, Phillips, Prillaman, Proskovec, Renner, Slater, Snyder, Thode, VanWassenhoven

MEMBERS ABSENT: Hopkins, Mercer, Montgomery, Stahla, York

TECHNICAL ADVISORS PRESENT: Davis, Gordon, Miller

NDE STAFF PRESENT: McClain, Sherman, Kasl, Heaston, Weatherly, Bace, Foley, Berst, Biaggio, Farrand, Osberg, Dymacek, Roschewski

PRESENTERS: Jerry Herrenstein, UNL

The meeting of the Special Education Advisory Council (SEAC) commenced at 9:00 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Journal Star.

ANNOUNCEMENTS

Members were welcomed and introductions were made. The Open Meetings Law was posted on the front table.

APPROVAL OF SEPTEMBER 11, 2008, MINUTES

Carol Renner moved and Karen Thode seconded a motion to approve the September 11, 2008, meeting minutes as submitted.

VOTE: Aye - Busse, Clark, Ewing, Grossnicklaus, Kanter, Kimes, Kimmons, Kloke, Phillips, Prillaman, Proskovec, Renner, Slater, Snyder, Thode, VanWassenhoven

Nay - None

Abstain - None

Absent - Hopkins, Mercer, Montgomery, Stahla, York

The motion carried.

AGENDA

The agenda for the day was reviewed. A motion to approve the agenda as proposed was made by Kathy Ewing and seconded by Charlene Snyder.

VOTE: Aye - Busse, Clark, Ewing, Grossnicklaus, Kanter, Kimes, Kimmons, Kloke, Phillips, Prillaman, Proskovec, Renner, Slater, Snyder, Thode, VanWassenhoven

Nay - None

Abstain - None

Absent - Hopkins, Mercer, Montgomery, Stahla, York

The motion carried.

LEGISLATIVE UPDATE PLAN

The Council discussed how they will stay updated on deliberations of the Legislature next session that may affect education. Mary Gordon offered to share the Legislative newsletter that is published by the DD Council. Sandi Proskovec will share the information put out by the School Board Association. Anyone can sign up to receive updates on the NCSA website. The Council agreed to use all of these sources of information.

EXPENSE CLAIM PROCESS

Pam Kasl provided members with a preprinted claim form that is intended to make the expense reimbursement process easier for members. Members were asked to verify all the information and mark any changes that needed to be made.

NEBRASKA-KANSAS LAW CONFERENCE

It was shared that the Nebraska Law Conference began 5 years ago with 100 participants. Kansas joined the conference this year which hosted over 500 individuals. Iowa plans to increase their involvement next year. Several SEAC members who attended the conference shared some of their personal highlights. Many felt Eric Hartwig was an excellent presenter. Glenda Davis shared that she has been told there is a need for more parent workshops in the state to explain rights, share resources and educate on how to work with the schools. SEAC brainstormed ways to meet this need. Ideas shared included hosting a session for parents in combination with the regional SPED workshops, and NDE develop the materials for training which districts or regions could present. Getting parents to attend trainings and meetings can be difficult; one suggestion was to provide a meal and child care for the family during the meeting. Getting the information out to the families is the key. Marketing to reach parents of children with disabilities including kids in the mainstream classroom is a challenge.

A suggestion was made that a presentation and materials be developed by NDE that PRTs/districts could use to present to parents. This would provide accurate information that each district doesn't have to recreate. Technology could be used to tape a workshop and put on a DVD. Glenda Davis shared that PTI is working on developing many training materials to be put on the web. Marketing of these items when they are completed will be critical.

SERVICES TO CHILDREN IN FOSTER CARE

Adria Bace shared changes in the state law related to providing services to children in foster care. In July, a change was made that affects how school districts serve students who are state wards. A handout was provided. If a foster family resides in a district other than where the child had been declared a ward, the previous law indicated the child would attend school where the foster family lives. Under the new law, the child will attend at the original school district unless a court decides that this is not in the best interest of the child. How this law applies to a Host Family has not been studied and a "person in charge" who will make the educational placement decision is still being defined. Additionally, transportation issues have not been addressed.

NEBRASKA STAFF AND STUDENT RECORD SYSTEM

Sara Farrand spoke about the Nebraska Staff and Student Record System (NSSRS) which also encompasses the Special Education Student Information System (SESIS) as of this year. The special education child count is now being collected October 1 instead of December 1 with an end of the year count on June 30. Race and ethnicity classification will be changed from 5 categories to 7 categories effective by 2010-2011. Families can identify one category or select a category of "two or more". This data becomes difficult for identifying multi-racial children.

DISTRICT DETERMINATIONS AND PUBLIC REPORTING

Jeanne Heaston and Lindy Foley reported on required IDEA district determinations and public reporting. A power point handout was provided. Determinations concerning school district performance on state targets are not reported to the federal office or the public. For the second year, Nebraska's Part B determination is at "Needs Assistance" (second of four levels) and Part C is at "Meets Requirements" (highest of four levels). District level determinations will be on the ILCD website for each district in the future. There will be a change in the cycle to make the determinations by May each year. Nebraska has 86.6% of districts in "Meets Requirements" and 13.4% in "Needs Improvement" for Part B. In Part C, 97.6% of districts are in "Meets Requirements" and 2.4% in "Needs Improvement." Part B results show 52 districts went from Level B to A, 25 districts went from Level A to B and 9 districts were at Level B for the 2nd year. In Part C, 35 districts went from Level B to A, 5 districts went from Level A to B and 1 district was at Level B for a 2nd year. Many of the districts that slipped a level were deficient in meeting the 60-day timeline requirement for Part B. Follow up activities will be done to assist districts to improve their determination for the next year. No districts were at Level C or Level D.

Public reporting is required by states for all school districts. The release of the 2006-07 SPED data will be done in December. School age data (Part B) will be on the State of the Schools Report. The Part C data (infants and toddlers) will be reported on the Early Development Network website as it is reported by Planning Region, not school district, www.nde.state.ne.us/edn. For confidentiality purposes, subgroup masking is done for any numbers that are too small.

PUBLIC COMMENT

No comment was given.

LR156 WAITING LIST

Brenda Kimes and Carol McClain are members of the LR156 Waiting List Study Group that is looking at the client waiting list for persons to receive services from Developmental Disabilities. Currently, 1800 people are on the list with 1600 of those waiting for residential services. Mary Gordon is the advisor of the group. She suggested that parents be informed of this reality following completion of school services and prepare for the challenge of advocating for their adult child. Most people live in the family home or with a caregiver while they are waiting for residential support. The group will talk about ways to reduce the size of the list. Many issues surfaced that were intertwined with the waiting list. A handout was provided.

NDE SPECIAL EDUCATION REGIONAL WORKSHOPS

Special Education Workshops were held at five locations around the state this fall. Members who attended a session shared some of the topics that were of interest.

FTE STUDY TASK FORCE

Pete Biaggio updated SEAC about the activities of the FTE Study Task Force. A set of essential questions was developed and distributed across the state to collect information. From this information business rules are being considered. Proposals under consideration are: 1) Services not to be included in the FTE calculation are support services, services by non-certified staff, non-special education staff, and related services that are non-instructional or non-therapeutic; 2) Services should be determined by the IEP team and not be determined based on FTE, and 3) Definition of student FTE. The Task Force Sub-Group will meet on December 4.

NEW COMMISSIONER OF EDUCATION

Gary Sherman shared that the Commissioner of Education has been selected. Dr. Roger Breed, Superintendent of Elkhorn Public Schools, will begin as Commissioner on March 30, 2009. In the meantime, Dr. Breed will serve NDE on a contractual basis for a limited number of days. He plans to begin meeting individually with the Leadership Council at NDE.

RESPONSE TO INTERVENTION

Jerry Herrenstein (UNL) and Rose Dymacek shared information about RtI in Nebraska. A power point handout was provided. Essential elements of a quality RtI system are being developed by the RtI Consortium. The elements are: team leadership, parent involvement, research-based interventions, universal screening, individual student progress monitoring, planned service delivery, intervention delivery, and fidelity of instruction. Selected ESUs are partnering with the Consortium. Other ESUs are not able to be fully engaged but have been invited to gain base knowledge by attending the trainings that are in their area.

STATE PERFORMANCE PLAN IMPACT AREAS

Rose Dymacek and Lindy Foley reported on the IDEA State Performance Plan. New Impact Areas are being developed by NDE to replace the previous system that had little or no connection between the indicators and district improvement planning, no connection to students, no comprehensive plan for improvement and minimal connection to ILCD and district determinations. The goal is to focus on improving results and building partnerships not just collecting and reporting data. Impact Areas were developed by NDE and stakeholders to combine the indicators into areas of focus and improvement to achieve better outcomes for children and youth with disabilities. Stakeholders are discussing possible state initiatives for each Impact Area. The next step is to look at the APR to see what improvement activities fit under each of the Impact Areas. A handout was provided.

SERVICE AGENCY MONITORING

Jill Weatherly shared information on contracted service agencies serving children with disabilities. Individual providers and agencies submit an application to be an approved provider through the Department of Education. Service Agency monitoring is done on a five-year cycle through visits to approved agencies. The findings at each agency are shared with the school districts that use the agency. At

this time, NDE is only monitoring agencies and not individual providers.

SLP AND PERSONNEL SHORTAGES

Carol McClain was involved with a group that researched shortages in service providers. They studied how many speech-language pathologists could be used in educational and medical settings in the state and where there are shortages. A grant was received through the American Speech and Hearing Association to do the research and a graduate student is coordinating much of the project. The results of the study will be available at a later date.

STATEWIDE ASSESSMENT

Pat Roschewski spoke about the Statewide Assessment and how it involves all aspects of education and all stakeholders. The Quality Education Act, passed in 2000, required student academic progress be reported. Amendments to this Act occurred in 2007 and 2008. The 2008 summative statewide assessment is for accountability purposes only. Local assessments should still be given for instructional purposes. Revisions of content standards were included in the bill which requires reading assessments by 2009, math by 2010, and science and social studies by 2013. A national, norm referenced test is also required once in Elementary, Middle and High School. A Technical Advisory Committee, appointed by the Governor will review the Statewide Assessment instruments and advise the Governor, State Board and NDE on Statewide Assessment plans. The NeSA (Nebraska State Accountability), a multiple choice reading test will be piloted in the Spring of 2009 and will be available electronically or in a paper/pencil format. Student achievement will be reported in one of three ways: Level 1 (below proficiency), Level 2 (proficient) or Level 3 (above proficiency). An alternate test is also being developed to be used by students with severe cognitive disabilities. The content standards will be the same for all students.

YOUTH LEADERSHIP COUNCIL

Kristi Berst reported that applications are being accepted for the Youth Leadership Council until December 1, 2008. Qualified applicants will be 14-21 years old, have a disability or healthcare need, and have potential for leadership development. A selection committee will be needed to choose 12-15 members for the Council. Kristi asked for a SEAC volunteer to serve on the selection committee. Mary Kanter indicated willingness to serve on the committee.

AGE OF MAJORITY

Lindy Foley talked about age of majority rules. States are given the right to transfer educational rights from parents to students at the age of 19 if they choose. In 1999, Nebraska elected not to transfer rights to the students. This policy was reviewed again in 2008 and it was determined that a student may not be mentally ready to make those decisions and may leave school prior to receiving a diploma. The Study Group is recommending the policy that educational rights not be transferred to the student be continued. SEAC will be asked to support the recommendation at the January meeting.

ADJOURN

The meeting adjourned at 3:40 p.m.